

RONALD J. TENPAS  
 Assistant Attorney General  
 JEAN WILLIAMS, Chief  
 MARK A. BROWN  
 Senior Trial Attorney  
 United States Department of Justice  
 Environment and Natural Resource Division  
 Wildlife and Marine Resources Section  
 P.O. Box 7369  
 Washington, D.C. 20044-7369  
 Tel: (202) 305-0204; Fax: (202) 305-0275

Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF HAWAII

GREENPEACE FOUNDATION;	)	Civil No.: 00-00068 (SPK)(FIY)
CENTER FOR BIOLOGICAL DIVERSITY;	)	
AND TURTLE ISLAND RESTORATION	)	<b>FEDERAL DEFENDANTS'</b>
NETWORK,	)	<b>NOTICE REGARDING</b>
	)	<b>LOBSTER RESEARCH</b>
Plaintiffs,	)	
	)	
vs.	)	
	)	
CARLOS GUTIERREZ, SECRETARY OF	)	
THE UNITED STATES DEPARTMENT OF	)	
COMMERCE; AND JAMES W. BALSIGER <sup>1</sup> ,	)	
ACTING ASSISTANT ADMINISTRATOR FOR	)	
FISHERIES, NATIONAL MARINE FISHERIES	)	
SERVICE,	)	
Defendants, and	)	Date: N/A
	)	Time: N/A
ASSOCIATION OF NWHI LOBSTER PERMIT	)	Judge: Hon. Samuel P. King
HOLDERS,	)	
	)	
Defendant-Intervenor.	)	
	)	

PLEASE TAKE NOTICE that the Federal Defendants are hereby filing a National  
 Marine Fisheries Service ("NMFS") memorandum (attached hereto as Defendants' Exhibit 1),  
 which describes the agency's plans for lobster research in the Northwestern Hawaiian Islands in

---

<sup>1</sup> In his official capacity, James W. Balsiger is automatically substituted as co-Defendant, in place of William Hogarth, pursuant to Fed. R. Civ. P. 25(d)(1).

2008. As set forth in the memorandum, NMFS plans to conduct various research projects, including catch-and-release studies to monitor previously-tagged lobsters. The planned studies are independent of the commercial fishery, which remains closed, and NMFS is strictly limiting the number of lobsters removed to those specimens needed for laboratory analysis. In accordance with this Court's Order filed November 15, 2000 (122 F.Supp.2d 1123, 1139), NMFS is submitting this Notice to keep the Court and the parties informed concerning ongoing research efforts pertinent to this fishery.

Respectfully submitted,

RONALD J. TENPAS  
Assistant Attorney General  
JEAN WILLIAMS, Chief

DATED: February 20, 2008 /s/ Mark Arthur Brown  
MARK ARTHUR BROWN  
(Florida Bar No. 0999504)  
Senior Trial Attorney  
Wildlife & Marine Resources Section  
Environment & Natural Resources Division  
U.S. Department of Justice  
Benjamin Franklin Station  
P.O. Box 7369  
Washington, D.C. 20044-7369  
Telephone: (202) 305-0204  
Facsimile: (202) 305-0275

Street Address:  
U.S. Department of Justice  
601 D St., N.W.  
Room 3933  
Washington, DC 20004

Attorneys for Federal Defendants

OF COUNSEL:

SILAS DeROMA  
Regional Counsel  
1601 Kapiolani Blvd., Suite 1110

Honolulu, Hawaii 96814-4700  
(808) 944-2164  
(808) 973-2941 (fax)

PAMELA LAWRENCE  
FRANK SPRTEL  
Office of General Counsel for Fisheries  
National Oceanic and Atmospheric Administration  
1315 East West Highway  
SSMC-Building 3---Room 15602  
Silver Spring, MD 20910  
(301) 713-2231  
(301) 713-0658 (Fax)

**CERTIFICATE OF SERVICE**

I hereby certify that I caused a copy of the foregoing "Federal Defendants' Notice Regarding Lobster Research" to be served this 20th day of February, 2008, by first-class mail, postage pre-paid, upon the following:

Paul H. Achitoff  
David L. Henkin  
D. Kapua Ala Sproat  
Earthjustice Legal Defense Fund  
223 South King Street, 4<sup>th</sup> Floor  
Honolulu, Hawaii 96813

Bryan Y. Y. Ho  
Donald E. Fisher  
Suite 1614, Davies Pacific Center  
841 Bishop Street  
Honolulu, Hawaii 96813

/s/ Mark A. Brown  
Mark A. Brown